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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,010	12/11/2003	Oscar Romero	8913-000033	7530

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT PAPER NUMBER

3676

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/733,010

Applicant(s)

ROMERO, OSCAR

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/11/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent Number 5,782,119 to Ellis et al.

Ellis discloses a door handle assembly (figure 1) comprising a sleeve (22) having a first transverse slot (36) extending into the sleeve, a catch (32) mounted in the first transverse slot and moveable between an extended position (figure 4) and a retracted position (figure 5), a spring (38) having a first arm engaged with the catch, a second arm extending outwardly from the sleeve and a loop portion (figures 2 and 4-6) formed between the first and second arms, the first arm and the loop portion being retained within the sleeve, a handle assembly (16) including an operator portion (24) and a shank (26) extending from the operator portion, the shank having a second slot (30) formed therein, wherein the sleeve is received within the shank and a portion of the catch extends into the second slot to releasably couple the handle assembly to the sleeve (figure 6), as in claims 1 and 7.

Ellis also discloses the handle assembly urges the second arm of the spring towards the sleeve when the sleeve is received within the shank (column 2, line 66-column 3, line 2), as in claim 8, and the sleeve includes an aperture (slit within sleeve 22) receiving a portion of the second arm when the second arm is urged towards the sleeve by the handle assembly (figures 4-

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6), as in claims 2 and 9, wherein the second arm imparts a biasing force between the handle assembly and the sleeve (column 3, lines 26-32), as in claim 10.

Ellis further discloses the first arm of the spring extends out from the aperture and then into the aperture (figures 4-6), as in claim 3, wherein the sleeve includes a support member (the material disposed between the slot and aperture) disposed between the transverse slot and the aperture, the support member supporting a portion of the first arm of the spring (figures 4-6), as in claim 4, and where the second arm includes a bent portion (figure 2) at its end, as in claim 5.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, as applied above.

Ellis discloses the invention substantially as claimed. However, Ellis does not disclose the length of the first or second arm of the spring. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to extend one arm of a torsional spring longer than a second. Applicant has not disclosed the first arm is approximately twice the length of the second arm provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's

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invention to perform equally well with either the first arm being twice the length of the second arm or any other length of the first or second arms of the spring because the function of the spring is not effected by the length of the arms which extend, therefrom. Therefore, it would have been obvious to a person with ordinary skill in this art to modify Ellis to obtain the invention as specified in claim 6.

A change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to spring biased catches within door handle assemblies:

U.S. Patent Number 5,617,750 to Preddey, U.S. Patent Number 3,754,423 to Seidewand, U.S. Patent Number 3,427,061 to McMeen et al., U.S. Patent Number 3,128,115 to Patriquin et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Daniel P. Stodola". The signature is fluid and cursive, with the first name "Daniel" being the most prominent part.

CJB  
July 7, 2004

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600